

ELECTRONICALLY FILED - 2021 Mar 10 10:11 AM - FLORENCE - COMMON PLEAS - CASE#2021CP2100505

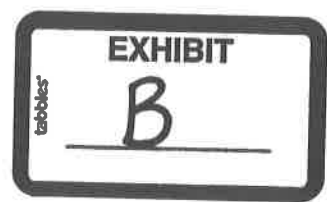
STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	CASE NUMBER: 2021-CP-21-_____
)	
Barbara A. Porter,)	
)	
Plaintiff,)	
)	
v.)	SUMMONS
)	
Outback Steakhouse of South)	
Carolina, Inc. and Bloomin')	
Brands, Inc.,)	
)	
Defendants.)	
_____)	

TO: THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at 205 N. Irby Street, Florence, South Carolina, within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgement by default will be rendered against you for the relief demanded in the Complaint.

s/ E. Guy Ballenger
 E. GUY BALLENGER
 S.C. BAR NUMBER 72499
 ATTORNEY FOR PLAINTIFF
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Florence, South Carolina
 March 10, 2021



STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Barbara A. Porter,

Plaintiff,

v.

Outback Steakhouse of South
Carolina, Inc. and Bloomin'
Brands, Inc.

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE TWELFTH JUDICIAL CIRCUIT
CASE NUMBER: 2021-CP-21-_____**COMPLAINT**

The plaintiff, complaining of the defendants herein, would respectfully allege and show unto this Honorable Court as follows:

1. The plaintiff is a citizen and resident of the County of Lee, State of South Carolina.

2. The defendant Outback Steakhouse of South Carolina, Inc., upon information and belief, is a corporation organized and existing under the laws of the state of South Carolina and the defendant employs agents and servants and conducts business in Florence County, South Carolina. The defendant owns, possesses, operates (and is a franchisee of a national corporate structure known as defendant Bloomin' Brands, Inc.) and is responsible for the premises condition of the restaurant and premises located at 110 Dunbarton Drive, Florence, SC 29501. Said restaurant is commonly referred to, and known as, Outback, Outback Steakhouse or Outback Restaurant.

3. The defendant Bloomin' Brands, Inc. is a corporation

organized and existing under the laws of one of the United States other than the State of South Carolina, but issues franchise certificates, licenses, and otherwise employs agents, employees and servants in Florence County, South Carolina in the ownership and operation of Outback Restaurants.

4. This is an action for personal injury by way of premises liability. This Court has personal jurisdiction over the parties and subject matter. Venue is proper in Florence County, South Carolina.

FOR A FIRST CAUSE OF ACTION
(Negligence)

5. That each and every allegation set forth herein above is repeated, re-alleged, re-asserted and incorporated herein as if set forth fully, verbatim.

6. On May 5, 2018, the plaintiff entered the defendants' premises with family members as a business invitee for the purpose of dining. While on the defendants' premises and while traversing through the restaurant from her dining table to the restroom, the plaintiff slipped and fell on a slippery substance that was present on the floor of the restaurant. The plaintiff slipped and fell due to the fact that the floor was wet and slippery and such slippery condition, or the substance causing such condition, could not be seen or detected by the plaintiff, even with the plaintiff's exercise of due care in traversing the restaurant premises.

7. The defendants knew or should have known that the condition of the restaurant floor was in such a condition that

posed a significant and unreasonable risk of danger to the business invitees that visited the premises, including the plaintiff.

8. The defendants and their employees, servants and agents acted in a negligent, grossly negligent, reckless, willful and wanton manner in failing to maintain the premises in a safe condition and the injuries and damages sustained by the plaintiff were directly and proximately caused and occasioned by the willful, wanton, reckless, careless, negligent and unlawful conduct on the part of the defendants and breach of duty by the defendants, in one or more of the following particulars:

- (a) In failing to maintain the restaurant/premises floor in such a manner that the surface was not unduly slippery;
- (b) In failing to give proper warning of the dangerous condition;
- (c) In creating the dangerous conditions and by failing to remedy the same after actual or constructive notice;
- (d) In failing to maintain the premises in an otherwise safe condition considering the conditions then and there existing;
- (e) In failing to adhere to the applicable regulations and codes relating to premises maintenance, and;
- (f) In such other and further ways as may be determined as the case progress and discovery is undertaken.

9. That as a direct and proximate cause of the defendants' breach of duty to the plaintiff/business invitee and the defendants' negligence, willfulness, wantonness and recklessness and gross negligence;

- (a) The plaintiff was confined to the care and treatment of skilled medical practitioners, that plaintiff was treated by such persons and may continue to receive treatment from them

in the future; that Plaintiff has expended large sums of money for such treatment and may be obligated to expend even more money in the future for such care and treatment;

(b) The plaintiff was hindered and prevented, and in the future may be hindered and prevented, from transacting and attending to Plaintiff's necessary and lawful affairs since the date of the incident and loss, and was deprived from various salaries, pleasures, advantages and earning capacities which Plaintiff would have otherwise been derived and acquired;

(c) The plaintiff was in the past, present and may continue to be in the future be put to great expense for medicine and drugs;

(d) The plaintiff has expended large sums of money in the past and present for transportation to and from the doctor's office and hospitals and will continue to have such expense in the future, and;

(e) The plaintiff has suffered permanent impairment and disability as a result of the accident.

WHEREFORE, the plaintiff respectfully prays for judgment against the defendants as follows;

1. As to the FIRST CAUSE OF ACTION, for actual damages in an appropriate amount, plus the costs and expenses of this action, and;
2. For such other and further relief as this Court deems just and proper.

BARTH, BALLENGER AND LEWIS, L.L.P.

s/ E. Guy Ballenger
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ATTORNEY FOR PLAINTIFF
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(843) 662-6301 (TELEPHONE)
SC BAR NUMBER: 72499

Florence, South Carolina
March 10, 2021

(Jury Trial Demanded)

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